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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,426	06/15/2001	Hugh Boyd Morrison	RCA 89186	1414

7590

04/28/2005

Joseph S Tripoli
Thomson multimedia Licensing Inc
PO Box 5312
Princeton, NJ 08540

EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,426

Applicant(s)

MORRISON ET AL.

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/15/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et al (WO 98/10589) in further view of LaJoie et al (6,772,433).

Regarding Claim 1, Blake shows a method for operating a video processing apparatus comprising receiving an electronic message remotely (page 17 lines 5-12, page 18 lines 20-30, sending message from remote location), said electronic message comprising information relating to time and channel data of a selected event (page 17 lines 9-11, channel and time data), and processing said electronic message in said video processing apparatus to determine said time and channel of the selected event (page 17 lines 10-15, processing system determines to which program the code corresponds). Blake fails to show forwarding another electronic message if there is a conflict between said time and channel data and a preexisting timer event. LaJoie shows the ability to notify a user if there is a conflict between the time and channel data and a preexisting event (col. 21 lines 43-67, col. 29 lines 30-46, conflict checking and notification feature). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Blake with the conflict management of LaJoie so that a user would be notified of possible program conflicts and would not erase over other shows.

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2. Claim 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et al (WO 98/10589) in further view of Macrae et al (2004/0103439).

Regarding Claim 2, Blake shows a method comprising receiving a message directly from a user in email format including control information (page 18 lines 20-30,, user send recording requests via email), processing, in said video processing apparatus, said message to determine said control information (page 18 lines 19-25, processing system receives control information), and operating said video processing apparatus in response to said control information (page 18 lines 19-25, processing system activates recording device). Blake fails to show that the email message contains subject and sender information. Macrae shows that email messages normally contain subject and sender information (page 6 section 0055, viewer may view the subject or sender of the message). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Blake with the ability to receive emails with sender and subject information as shown in Macrae so that the system would know who sent the command message, as well as other pertinent data.

Regarding Claim 3, Blake shows channel data and time data (page 18 lines 20-23, program, time, and channel data). Blake further shows logging onto an account and asking for user confirmation (page 18 lines 24-29, log on to account). Because a user must supply some sort of identifying information to successfully log on to a remote account, there is a data "password."

Regarding Claim 4, Blake shows evaluating the user log on for verification (page 18 lines 24-29, log on to account and confirming user input data) and turning on said video processing apparatus at the desired time and selecting a program in response to the

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sent data (page 18 lines 25-26, activating recording device at appropriate time to record appropriate program).

Regarding Claim 5, Blake shows a recording command and said step of operating comprises controlling a video recording device, interconnected thereto, to record a program associated with said time and channel data (page 18 lines 25-26, activating recording device at appropriate time to record appropriate program).

Regarding Claim 6, Blake shows programming an event timer, associated with said video recording device, using said time and channel data (page 16 lines 26-32, scheduler that checks time and date slots, page 17 lines 10-15, storing appropriate time, date, and channel and activating recording).

Regarding Claim 7, Blake shows that the control information comprises program data (page 18 lines 20-25, program code, start time, end time, channel, date, title, or theme).

Regarding Claim 8, Blake shows passing the data to the electronic program guide to determine the time and channel information associated with said program data, said program data corresponding to a program listed in said electronic program guide (page 16 lines 26-32, schedule data structure, page 17 lines 10-14, upon receiving code, processing system determines which program the code refers to from schedule).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marsh et al U.S. Patent No. 6,208,799 discloses a VCR recording timeslot adjustment.

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Vogel U.S. Patent No. 5,253,066 discloses a TV recording and viewing control system.

Young et al U.S. Patent No. 5,479,268 discloses a user interface for television schedule system.

Miller et al U.S. Patent No. 5,585,866 discloses an electronic television program guide schedule system and method including virtual channels.

Hashimoto European Patent No. EP 0793387 A2 discloses a TV mail system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 571-272-7299. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Nalevanko
AU 2611
571-272-7299


HAITRAN
PRIMARY EXAMINER